

DEPARTMENT OF INDUSTRIAL RELATIONS

OFFICE OF THE DIRECTOR
455 Golden Gate Avenue, Tenth Floor
San Francisco, CA 94102
(415) 703-5050



June 13, 2000

Debbie DePaul
County Executive Office
Information and Technology
County of Orange
1400 South Grand Ave.
Santa Ana, CA 92703

Re: Public Works Case No. 2000-008
Fiber Optic Cable Installation

Dear Ms. DePaul:

This constitutes the determination of the Director of Industrial Relations regarding coverage of the above referenced project under California's prevailing wage laws and is made pursuant to Title 8, California Code of Regulations, section 16001(a). Based on my review of the facts of this case and an analysis of the applicable law, it is my determination that the installation of fiber optic cable as described in the contract specifications is a public work subject to the payment of prevailing wages.

Labor Code section 1720(a) defines "public works" in pertinent part as "[c]onstruction, alteration, demolition or repair work done under contract and paid for in whole or in part out of public funds..." In this case, it is undisputed that the work was done under contract and was paid for out of public funds. Thus, the only issue is whether the work contemplated constitutes construction, alteration, demolition or repair work within the meaning of the statute.

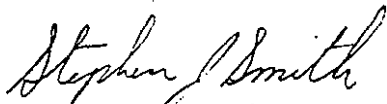
The fiber optic cable is to upgrade the County's communication systems. According to contract documents, the installation of the fiber optic cable includes installation across a parking lot between two buildings and installation of new conduit in buildings and structures in addition to the installation of the cable. For reference, you provided a copy of the contract specifications on this project. This document sets forth in detail the work you described above.

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Recent determinations by this office have held that the installation of a local network communication system involving the installation of conduit, drilling of walls to run wiring, and installation of electrical panels fell within the meaning of "alteration" and "construction" under Labor Code section 1720(a). Therefore, consistent with these recent determinations, this project is a "public work" subject to the prevailing wage requirements of the Labor Code.

I hope this determination satisfies your inquiry.

Sincerely,

A handwritten signature in cursive script, reading "Stephen F. Smith".

Stephen F. Smith
Director